

**UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY**

WILFREDO TORRES
CHIEF PROBATION OFFICER

MARK HENGEMUHLE
SENIOR DEPUTY CHIEF PROBATION OFFICER

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October 21, 2011

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Honorable Dennis M. Cavanaugh
United States District Judge
Martin Luther King Jr., Federal Bldg, & U.S. Court House
P.O. Box 999
Newark, New Jersey 07102

**RE: Matar, Issam
Dkt. No. 05-CR-506-001
Request to Resend Pending Violation
of Supervised Release**

Dear Judge Cavanaugh:

On January 10, 2006, the Honorable William G. Bassler, United States District Judge, sentenced the above-named offender to five (5) years probation after his plea of guilty to producing/trafficking in a counterfeit device. Financial disclosure and no new debt were ordered as a special condition, as well as restitution in the amount of \$417,389.29 payable by an initial lump sum of \$25,000 followed by a payment schedule to be determined by the United States Probation Office. Since February 27, 2006, the offender has been supervised by the United States Probation Office, Eastern District of New York, due to his residency within the judicial district.

On April 19, 2007, Your Honor signed a petition for action (12B) modifying the conditions of supervision to include a restitution payment schedule in the amount of 10% of his gross monthly income.

On January 6, 2011, Your Honor signed a petition for summons for offender under supervision (12C) charging the offender with one count of structuring money stemming from transactions conducted with his business checking account. On January 31, 2011, the offender appeared in court but the case was adjourned until the government reviewed the offender's HSBC business account records. The next court date was scheduled for March 2, 2011. However, at that time the government requested an adjournment in order to review the bank records from HSBC Bank. Once the bank records were obtained, the assigned supervision officer with the U.S. Probation Office in the Eastern District of New York conducted a complete review of the financial transactions as well as the transactions reflected in the violation of probation report.

After careful review of the materials, it was determined that the transactions in question (which were the basis of the violation of probation) were in fact legitimate business transactions and the funds withdrawn by the offender were used to pay vendors to maintain his business inventory. Furthermore, a review of nearly 800 pages of transactions compared with documents provided by the offender's attorney, Mario Romano, detailed each transaction and payment to specific vendors.


In view of the above, we respectfully recommend that the petition previously sought for a violation of probation be withdrawn. We respectfully request that the offender's term of supervision be allowed to expire as scheduled (January 9, 2011). A copy of the order to dismiss is attached for your review.

Below is a check list for Your Honor's consideration and response.

We will make ourselves available should the Court wish to discuss this matter. You may contact the undersigned officer at 973-645-4513.


Respectfully submitted,

WILFREDO TORRES, Chief
U.S. Probation Officer


By: Jamel H. Dorsey
U.S. Probation Officer

/jhd

- (1) ☒ The Court concurs with the recommendation of the probation office and no action needs to be taken at this time. *VOP withdrawn*
- (2) ☐ The Court disagrees with the recommendation and directs the probation office to continue violation proceedings.
- (3) ☐ OTHER: _____


Honorable Dennis M. Cavanaugh
Date *10/24/11*